

Barbara Clarke McCurdy (Admitted *pro hac vice*)
barbara.mccurdy@finnegan.com

Naveen Modi (Admitted *pro hac vice*)
naveen.modi@finnegan.com

Srikala P. Atluri (Admitted *pro hac vice*)
srikala.atluri@finnegan.com

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

901 New York Avenue, N.W.
Washington, D.C. 20001

Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Tina E. Hulse (State Bar No. 232936)

tina.hulse@finnegan.com

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Stanford Research Park
3300 Hillview Avenue
Palo Alto, California 94304

Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendant
Rambus Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

RAMBUS INC.,

Defendant.

Case No. C 10-04017 JSW
(Related Case: C 10-03736 JSW)

**STIPULATED REQUEST FOR ORDER
RESCHEDULING CASE MANAGEMENT
CONFERENCE;**

**SUPPORTING DECLARATION OF TINA E.
HULSE;**

[PROPOSED] ORDER

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff International Business Machines Corporation (“IBM”) and Defendant Rambus Inc. (“Rambus”), through their respective counsel of record, stipulate to and respectfully request the Court to order as follows:

1. The Court held that *Rambus Inc. v. International Business Machines Corporation*, Case No. C 10-03736 JSW (N.D. Cal.) (“the *Rambus* action”) is related to this action in its Related Case Order entered on October 21, 2010 (Dkt. No. 16).

2. The Court ordered that the Case Management Conference in the *Rambus* action occur on December 3, 2010, at 1:30 pm. Declaration of Tina E. Hulse (“Hulse Decl.”), Ex. A.

3. The Court also scheduled the Case Management Conference in this action for December 3, 2010, at 1:30 pm. *See* Dkt. No. 17.

4. Rambus filed a Motion to Dismiss (Dkt. No. 19), which is scheduled to be heard on January 14, 2011, at 9:00 am. *See* Dkt. No. 21.

5. The parties met and conferred on November 12, 2010, pursuant to Federal Rule of Civil Procedure 26(f). Hulse Decl. ¶ 6.

6. The parties jointly request that the Court continue the Case Management Conference for this action until the hearing on Rambus’s Motion to Dismiss, i.e., January 14, 2011. The parties are concurrently making a similar request in the *Rambus* action. The parties are requesting the Court to continue the Case Management Conferences in the interests of efficiency, as both parties’ lead counsel reside on the East Coast and moving the Case Management Conferences would allow the Court to hear all issues at once and would obviate the need for counsel to take two trips to California within six weeks. *See id.* ¶¶ 6-8.

7. The parties further request that, in light of the new proposed date for the Case Management Conference, the Joint Case Management Statement, Rule 26(f) Report, and Rule 26(a) initial disclosures all be due on January 7, 2011.

By her signature below, counsel for Defendant attests that counsel for Plaintiff concurs in the filing of this stipulation.

Respectfully submitted,

Date: November 16, 2010

By: /s/ Edward A. Kmett

Edward A. Kmett (SBN: 204374)
ekmett@fchs.com
FITZPATRICK, CELLA, HARPER & SCINTO
650 Town Center Drive, Suite 1600
Costa Mesa, CA 92626
Telephone: (714) 540-8700
Facsimile: (714) 540-9823

Anthony M. Zupcic (Admitted *pro hac vice*)
azupcic@fchs.com
Robert H. Fischer (Admitted *pro hac vice*)
rfischer@fchs.com
Douglas Sharrott (Admitted *pro hac vice*)
dsharrott@fchs.com
FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10112
Telephone: (212) 218-2100
Facsimile: (212) 218-2200

Kenneth R. Adamo (Admitted *pro hac vice*)
kradamo@jonesday.com
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
Telephone: (216) 586-7120
Facsimile: (216) 579-0212

Attorneys for Plaintiff,
International Business Machines Corporation

Date: November 16, 2010

By: /s/ Tina E. Hulse

Tina E. Hulse (CA Bar No. 232936)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
3300 Hillview Avenue
Palo Alto, California 94304-1203
Telephone: (650) 849-6600
Facsimile: (650) 849-6666
tina.hulse@finnegan.com

Barbara Clarke McCurdy (Admitted *pro hac vice*)
Naveen Modi (Admitted *pro hac vice*)
Srikala P. Atluri (Admitted *pro hac vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 408-4000
Facsimile: (202) 408-4400
barbara.mccurdy@finnegan.com
naveen.modi@finnegan.com
srikala.atluri@finnegan.com

Attorneys for Defendant,
Rambus Inc.

SUPPORTING DECLARATION OF TINA E. HULSE

I, TINA E. HULSE, declare as follows:

1. I am an associate at Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel for Plaintiff Rambus Inc. ("Rambus"). I submit this declaration in support of the parties' Stipulation Rescheduling Case Management Conference. I make this declaration of my own personal knowledge and will competently testify thereto if called upon to do so.

2. On October 21, 2010, the Court held in its Related Case Order that this action is related to *Rambus Inc. v. International Business Machines Corporation*, Case No. C 10-03736 JSW (N.D. Cal.) ("the *Rambus* action"). See Dkt. No. 16.

3. The Court's September 21, 2010, Order Setting Case Management Conference and Requiring Joint Case Management Conference Statement (Dkt. No. 13) in the *Rambus* action (a true and correct copy of which is attached as Exhibit A) ordered that the Case Management Conference occur on December 3, 2010, at 1:30 pm.

4. On October 28, 2010, in its Order Setting Case Management Conference and Requiring Joint Case Management Conference Statement (Dkt. No. 17), the Court ordered that the Case Management Conference would also occur on December 3, 2010, at 1:30 pm.

5. On October 29, 2010, Rambus filed a Motion to Dismiss Complaint (Dkt. No. 19), which is scheduled to be heard by this Court on January 14, 2011, at 9:00 am. See Re-Notice of Defendant Rambus Inc.'s Motion to Dismiss Complaint (Dkt. No. 21).

6. The parties met and conferred on November 12, 2010, pursuant to Federal Rule of Civil Procedure 26(f). During that conference, which I attended, Rambus proposed stipulating that the Case Management Conferences for both actions be postponed until the hearing on Rambus's Motion to Dismiss.

7. Because both parties' lead counsel reside on the East Coast, continuing the Case Management Conference for both actions until the hearing on Rambus's Motion to Dismiss serves the interests of efficiency, as doing so would allow the Court to hear all issues at once and would obviate the need for counsel to take two trips to California within six weeks.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this 16th day of November, 2010, at Palo Alto, California.

By: /s/ Tina E. Hulse
Tina E. Hulse

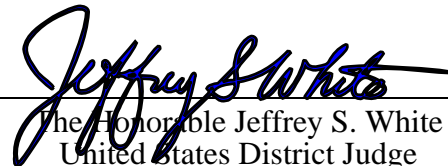
[PROPOSED] ORDER

Pursuant to the stipulation between the parties and good cause appearing, it is hereby ORDERED that:

1. The Case Management Conference shall be rescheduled to January 14, 2011, following arguments regarding Rambus's Motion to Dismiss (Dkt. No. 19).
2. The Joint Case Management Conference Statement and Rule 26(f) Report shall be filed no later than January 7, 2011.
3. The parties shall serve Rule 26(a) initial disclosures no later than January 7, 2011.

IT IS SO ORDERED.

Date: November 24, 2010


The Honorable Jeffrey S. White
United States District Judge
Northern District of California